IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 10901 of 2004(W)

PETITIONER:

M.SULAIMAN S/O.MYTHEEN KUNJU, AGED 60,
PALATHARAYIL, KATTACHIRA, PALLIKAL P.O.,
MAVELIKKARA.

BY ADV. SRI.A.SHAFEEK

RESPONDENTS:
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1. THE KERALA STATE ROAD TRANSPORT
CORPORATION, TRANSPORT BHAVAN, TRIVANDRUM,
REPRESENTED BY ITS MANAGING DIRECTOR.

2. THE ASSISTANT TRANSPORT OFFICER,
KERALA STATE ROAD TRANSPORT CORPORATION,
KAYAMKULAM.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO.10901/2004

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TURE COPY OF THE JUDGMENT DT. 12.3.2001 IN O.P.NO.8297/01 OF THIS HON'BLE COURT.

EXT.P2 : TRUE COPY OF THE CHEQUE DT. 19.2.2003 ISSUED BY THE RESPONDENTS.

TGS

KURIAN JOSEPH J.

W.P.(C) No.10901 of 2004

Dated 17th August, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or appropriate writ order or direction compelling the respondents to pay interest @ 12% per annum from 31.3.1997 to 19.2.2003 for Rs.1,31,528/- as directed by this Hon'ble Court for the delayed payment of retirement benefits."

In view of Ext.P1 judgment, the first respondent cannot shirk from its liability to pay interest since admittedly the amounts were not paid within the time stipulated in Ext.P1 judgment. The stand taken in the statement is that the pensionary benefits are being paid based on the direction issued by this Court in W.A.289/01. But the fact remains that there is an inter party judgment between the petitioner and the first respondent. Unless the same is avoided in any known process of law, the liability arising from the said judgment survives. Therefore, the writ petition is allowed in terms of the prayer extracted above.

KURIAN JOSEPH, JUDGE.

tgs